

OPI Pulse: Practitioner Ban on the Dispensing of Controlled Substances

Background:

Since the 1990's the legal use of prescription drugs has increased dramatically in Florida and around the nation. While these medications are valuable for the treatment of chronic pain, their use comes with unavoidable risks including serious complications like misuse, abuse, addiction, overdose and death.

Prescription pain relievers in Florida can be lawfully dispensed in a number of ways. Pharmacies undergo a formal permitting process as outlined in law to dispense medication. Physicians must be licensed by the state, have a federal Drug Enforcement Administration (DEA) number, and must register with the Florida Department of Health (DOH) in order to dispense. Pain management clinics, which are facilities employing physicians specializing in the treatment of pain, are also required to register with the Florida DOH.

The Florida Department of Health regulates the dispensing of all prescription drugs in the state. Regulators from DOH rely on assistance from local and state law enforcement entities and public complaints to identify and regulate the unlawful distribution, prescribing and dispensing of pain relievers such as oxycodone, methadone, hydromorphone and hydromorphone.

Issues at a Glance:

Advocates of a ban on the practitioner dispensing of controlled substances cite the primary source of Florida's prescription drug abuse problem as disreputable medical professionals dispensing medically unjustifiable amounts of controlled substances to addicts and people who will sell the drugs on the street. Advocates also assert these medical practitioners make a quick profit by prescribing and dispensing highly addictive drugs to patients with whom they often have no ongoing clinical relationship and to whom they provide no general medical care. Proponents of limiting controlled substance dispensing by physicians reference the following information as reasons to propose the legislation:

- According to the DEA, of the 50 practitioners who dispensed the most oxycodone in the country in 2008-09, 49 of them were in Florida, and half were located in Broward County.

Quick Look:

This document includes:

Background Information, Issues at a Glance, FAQs, Quick Facts and Links to More Information about **PCB HHSC 11-03** sponsored by the **Health & Human Services Committee**, Chaired by **Representative Schenck**.

Quick Facts:

Number of practitioners authorized to dispense oxycodone:

Florida – 156 (11%)
Rest of Nation – 1,423

Grams of oxycodone sold by practitioners:

Florida – 111,934 (85.3%)
Rest of Nation – 131,249

Number of practitioners authorized to dispense methadone:

Florida – 55 (49.5%)
Rest of Nation – 111

Grams of methadone sold by practitioners:

Florida – 47,515 (93.1%)
Rest of Nation – 51,046

***Representative John Legg
Speaker pro tempore***

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Quick Facts:

Most Frequently Abused Prescription Drugs in Florida:

- Oxycodone
- Hydromorphone
- Hydrocodone
- Methadone

By the Numbers-

- **6,335:** Number of physicians licensed to dispense controlled substances in Florida
- **860:** Current number of registered pain clinics in Florida
- **236:** Number of pain clinics notified by the Department of Health of an intent to revoke registration due to regulatory infraction
- **54:** Number of pain clinics closed in Florida in 2010 as a result of DOH registration revocation
- **72:** Number of pending revocations

- Data submitted in 2006 to the Department of Justice (DOJ) by drug distributors show that, while Florida's residents represent 5.4 percent of the nation's population, the state is home to 11 percent of the nation's practitioners who buy oxycodone to dispense and 49.5 percent of the nation's practitioners who buy methadone to dispense.
- The same DOJ data showed that Florida practitioners are responsible for 85.3 percent of the nation's oxycodone dispensed by practitioners.
- The same DOJ data also showed that Florida practitioners are responsible for 93.1 percent of the nation's methadone dispensed by practitioners.

What the bill does:

PCB HHSC 11-03 as introduced by the House Health & Human Services Committee proposes to ban the sale of controlled substances by dispensing practitioners, limiting the dispensing of these prescription drugs to established pharmacies. Proposed legislation to ban the dispensing of controlled substances would:

- Make it illegal for doctors to dispense controlled substances. Instead, doctors would write a prescription for the legal use of controlled substances and patients could receive their prescription from a pharmacy.
- Prohibit wholesale drug distributors from selling controlled substances to practitioners.
- Create a mandatory buy-back program for physicians to transfer controlled substance inventory back to distributors by a date certain.
- Require the Department of Health to declare a state of emergency and require law enforcement to quarantine the inventories of high-risk dispensing practitioners.
- Make controlled substances possessed by dispensing practitioners after the date of the buy-back program contraband, and require law enforcement to seize it.
- Repeal existing pain management clinic regulations, to align with this proposed legislation, which would prohibit the dispensing of medication at pain management clinics.

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Links to More Information:

www.myfloridahouse.gov

[House Republican Office](#)

[National Drug Intelligence
Center](#)

[Florida Department of Law
Enforcement](#)

[Center for Disease Control -
Prescription & Over-the-
Counter Drug Abuse](#)

[Prescription Drug Monitoring
Program in Florida](#)

Frequently Asked Questions:

What constitutes a controlled substance?

Controlled substances are drugs with potential for abuse and addiction delineated by law in five schedules based on level of risk of addiction and level of medical value.

What are the most frequently abused prescription drugs in Florida?

Oxycodone, hydromorphone, hydrocodone and methadone.

What are pain management clinics?

Pain clinics are privately owned clinics, facilities, or offices which advertise the treatment of chronic pain and employ a physician who is primarily engaged in the treatment of pain. Practitioners in these facilities primarily treat chronic pain by prescribing or dispensing controlled substances.

Does the legislation address what legal action will be taken against a practitioner who is found dispensing controlled substances after the ban is implemented?

The proposed legislation classifies the unlawful dispensing of controlled substances as a third degree felony punishable by imprisonment up to five years and fines up to \$5,000.

What if an individual cannot make it to a pharmacy to fill a prescription of a needed controlled substance?

Proponents of the bill emphasize that most doctors presently DO NOT dispense controlled substances or any other kind of drug at their healthcare facility, thus requiring patients to pick up prescriptions at an appropriate pharmacy location. Proponents also assert that while on-site medication dispensing is convenient, the safeguards created for all Floridians through a dual step prescription and dispensing process outweigh the desire for individual convenience.

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